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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Poland

The Committee considered the initial report of Poland (CRC/C/8/Add.11 and HRI/CORE/1/Add.25) at its 192nd to 194th meetings (CRC/C/SR.192-194), held on 16 and 17 January 1995 and adopted* the following concluding observations:

A. Introduction

1. The Committee expresses its appreciation to the State party for its report and for engaging, through a high-ranking delegation, in a constructive and frank dialogue with the Committee. The Committee welcomes the written information provided by the Government of Poland in reply to the questions set out in the list of issues (CRC/C/8/WP.4) which were communicated to it before the session.

B. Positive aspects

2. The Committee welcomes the formal adoption of the report by the Council of Ministers.

3. The Committee further welcomes the intention expressed by the delegation to review the contents of the reservations and declarations made at the moment of the ratification of the Convention with a view to considering their possible withdrawal.

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* At the 208th meeting, held on 26 January 1995.

4. The Committee is encouraged by the Government's willingness to identify and address the various problems impeding the implementation of the rights provided for in the Convention and to seek appropriate solutions, particularly in the area of child health care.

5. The Committee welcomes measures adopted by the Government to promote awareness of children's rights. It also welcomes the publication of the text of the Convention by the Polish Committee for UNICEF and the Committee for the Protection of Children's Rights, as well as the organization of several workshops and seminars. It is encouraged by steps taken with regard to the training of teachers in the rights and principles of the Convention as well as similar activities undertaken for the benefit of judges.

6. The Committee notes with appreciation the activities undertaken by the Commissioner for Civil Rights and the recent decision to re-establish the Office of the Government Plenipotentiary for Women and Family Affairs for the protection of human rights and fundamental freedoms, including children's rights.

7. The Committee appreciates that Poland, despite its present financial difficulties, is participating in international cooperation activities, including in the area of education of students from developing countries.

8. The Committee recognizes the importance accorded by the State party, at a time of critical political and economic change in the country, to introducing positive changes for the benefit of children and to pursue policies that take into account the needs of children. In that connection, it particularly welcomes the assurances given by the delegation that the Committee's concluding observations will be brought to the attention of the Council of Ministers for appropriate action.

C. Factors and difficulties impeding the implementation of the Convention

9. The Committee notes the difficulties facing Poland in the present period of political transition and in a climate of social change and deep economic crisis. It notes that the situation of many children is affected by growing poverty and increasing unemployment.

10. The Committee also notes the difficulties which have been caused by prejudices, intolerance and other social attitudes in contradiction with the general principles of the Convention.

D. Principal subjects of concern

11. The Committee is worried about the impact on children of the difficult economic situation prevailing in the country. In this connection, the Committee is particularly concerned as to whether appropriate measures have been undertaken to protect children, particularly those belonging to the most vulnerable groups, from being the victims of economic reform, in the light of articles 3 and 4 of the Convention.

12. The Committee is concerned that traditional attitudes still prevailing in the country may not be conducive to the realization of the general principles

of the Convention, including, in particular, article 2 (principle of non-discrimination), article 3 (principle of the best interest of the child) and article 12 (respect for the views of the child).

13. The Committee is concerned about the insufficient steps taken in the framework of legal reform to bring existing legislation into full conformity with the Convention, including in the light of the general principles of the Convention, as in the case of minimum age for marriage, family law and in the area of juvenile justice.

14. The Committee is concerned at the insufficient coordination between the various ministries, as well as between central authorities and regional and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

15. The Committee expresses its concern at the lack of a systematic monitoring mechanism in the field of the rights of the child as well as at the lack of a comprehensive system of data gathering on the situation of children, which results in an inability adequately to overcome the prevailing economic and social disparities in the implementation of the Convention.

16. The Committee regrets that a national strategy in the field of the rights of the child has not yet been adopted and that specific programmes aiming at protecting vulnerable children, including through the adoption of a National Plan of Action, with a view to ensuring that safety nets are in place to prevent a deterioration of their rights, have not yet been established.

17. The Committee is concerned at the insufficient awareness in various sectors of the population of the principles and provisions of the Convention. In this regard, it is also concerned that society is not sufficiently sensitive to the needs and situation of particularly vulnerable children such as children infected with HIV or AIDS and Roma children. The Committee is concerned about the lack of adequate training given to professional groups, in particular social workers, law enforcement officials and judicial personnel, on the principles and provisions of the Convention.

18. The Committee regrets that appropriate measures have not yet been taken to effectively prevent and combat corporal punishment and ill-treatment of children in schools or in institutions where children may be placed. The Committee is also preoccupied by the existence on a large scale of child abuse and violence within the family and the insufficient protection afforded by the existing legislation in that regard.

19. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37 and 40 of the Convention as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty is a matter of concern to the Committee. In that regard, the Committee deplores the provisions relating to "juvenile demoralization" which do not appear to be compatible with the Convention.

20. The Committee notes with concern the growing use and involvement of children in criminal activities and the vulnerability of children to sexual abuse, drug abuse, alcoholism, as well as torture and ill-treatment.

E. Suggestions and recommendations

21. The Committee encourages the Government of Poland to consider the possibility of reviewing its reservations, as well as the declaration made in relation to the exercise of the rights defined in articles 12 to 16, with a view to withdrawing them.

22. The Committee recommends that the State party strengthen the coordination between the different governmental mechanisms involved in human rights and children's rights, at both the national and local levels, and ensure closer cooperation with non-governmental organizations with a view to developing a comprehensive policy on children and ensuring an effective evaluation of the implementation of the Convention on the Rights of the Child in the country. In this regard, the Committee suggests that consideration be given to strengthening the powers and responsibilities currently held by the Commissioner for Civil Rights and the recently re-established Office of the Government Plenipotentiary for Women and Family Affairs.

23. The Committee further recommends that the State party undertake to gather all the necessary information on the situation of children in the various areas covered by the Convention, including in relation to those children belonging to the most vulnerable groups. It also suggests that a multidisciplinary monitoring system be established to assess the progress achieved and the difficulties encountered in the realization of the rights recognized by the Convention at the central, regional and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State party to shape appropriate policies and to combat prevailing disparities and traditional prejudices.

24. The Committee encourages the Government of Poland to pay particular attention to the full implementation of article 4 of the Convention and to ensure a judicious distribution of the resources at the central, regional and local levels. Budget allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources and in the light of the best interests of the child.

25. The Committee further encourages the Government to give consideration to the adoption of a National Plan of Action in the field of the rights of the child and to develop specific programmes aiming at protecting children and at ensuring that safety nets are established to prevent a deterioration of their rights in the context of economic transition.

26. The Committee is of the opinion that greater efforts are required to make the provisions and principles of the Convention widely known and understood by adults and children alike, in the light of article 42 of the Convention.

27. Further measures should also be taken to prevent a rise in discriminatory attitudes or prejudices towards vulnerable children, particularly Roma children and children infected by HIV/AIDS, in the light of article 2 of the Convention.

28. The Committee recommends that periodic training programmes on the rights of the child be organized for professional groups working with or for children, including teachers, law enforcement officials and judges, and that human rights and children's rights be included in their training curricula.

29. The Committee suggests that the State party pursue its legal reform with a view to ensuring the full conformity of its national legislation with the provisions of the Convention on the Rights of the Child and to clearly reflecting its general principles, including on non-discrimination, best interests of the child and respect for the views of the child. In this regard, the Committee recommends that the 1968 Family Code be reviewed and that the safeguards currently in force in cases of intercountry adoption be improved. In this connection, the Committee encourages the Government of Poland to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercounty Adoption.

30. The Committee further suggests that the clear prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as the ban on corporal punishment in the family, be reflected in the national legislation. In this field, the Committee also suggests the development of procedures and mechanisms to monitor complaints of maltreatment and cruelty within or outside the family. Moreover, special programmes should be set up to promote physical and psychological recovery and social reintegration of children victims of any form of neglect, abuse, exploitation, torture or ill-treatment in an environment which fosters the health, self-respect and dignity of the child.

31. The Committee recommends that, in the framework of its legal reform, the Government envisage addressing the situation of unaccompanied children and children having been refused refugee status and awaiting deportation in the light of the provisions and principles of the Convention on the Rights of the Child. In this connection, the Committee encourages the State party to consider seeking technical assistance from UNHCR.

32. In the field of the administration of juvenile justice, the Committee suggests that a comprehensive reform be undertaken and that the Convention on the Rights of the Child, in particular articles 37, 39 and 40, and other relevant international standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty be seen as a guide in this revision. Particular attention should be paid to the prevention of juvenile delinquency, the protection of the rights of children deprived of liberty, as well as respect for fundamental rights and legal safeguards in all aspects of the juvenile justice system, including under the pretext of public assistance. Training programmes on the relevant international standards should be organized for all those professionals involved with the system of juvenile justice, in particular judges, law enforcement officials, correctional officers and social

workers. The Committee recommends that technical assistance in this area be sought from the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch.

33. The Committee considers that greater efforts should be made to provide family education and to develop awareness of the role of the family in society and of the equal responsibilities of parents. Further steps should be taken to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities, in particular in the light of articles 18 and 27 of the Convention. It is further suggested that the problem of single parenthood be studied and that relevant programmes be established to meet the particular needs of single parents.

34. The Committee encourages the State party to address the situation of children in institutions, with a view to envisaging and making available possible alternatives to institutional care and to establishing effective monitoring mechanisms of the realization of the rights of the child placed in an institution.

35. The Committee encourages the State party to seek international technical assistance and advice from, among others, the Centre for Human Rights and UNICEF, in its efforts to implement the Convention and, in particular, to harmonize national legislation with the Convention, develop a coordinating and monitoring mechanism on children's rights and adopt a comprehensive social policy identifying the rights of the child as a clear priority.

36. Finally, the Committee recommends that, in the light of article 44, paragraph 6, of the Convention, the report submitted by the Government be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee.